IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21969 of 2004

Between:

D.Masamma, W/o Late D. Pitchi Reddy,
R/o Srisailam, Kurnool District.

..... PETITIONER

AND

1 The Executive Officer, Srisailam Devasthanam,
Srisailam, Kurnool District.
2 Audit Officer, Local Funds, Kurnool, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate Writ or direction declaring the action of the respondents in not sanctioning the family pension and gratuity in favour of the petitioner as illegal and arbitrary and consequently direct the respondent to sanction and issue family pension payment order and Gratuity payment order in favour of petitioner forthwith with interest on the arrears payable to the petitioner,

Counsel for the Petitioner: MR.P.GANGA RAMI REDDY

Counsel for the Respondent No.1: Mr.V.Venugopal Rao

Counsel for the Respondent No.2: GP FOR FINANCE & PLANNING

The Court made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in not sanctioning the family pension and gratuity to the petitioner as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Government Pleader for Finance and Planning.

The learned Government Pleader for the respondents has contended that the 2nd respondent communicated the proceedings in Rc.No.A3/4586/1995, dated 26.6.98 to the petitioner with a direction to obtain Succession Certificate from the competent Court of civil jurisdiction.

The learned counsel for the petitioner has contended and also conceded that the petitioner will produce Succession Certificate as required by the 2nd respondent.

Therefore, without entering into the merits of the case, I am of the considered view that a direction can be given to the petitioner to obtain a Succession Certificate from the competent court of civil jurisdiction after duly adding all the legal representatives of the deceased employee including his wife. Thereafter, the 2nd respondent shall take appropriate decision in accordance with law.

The writ petition is disposed of in terms of the above direction. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

1st February, 2005.

bcj

To

1. The Executive Officer, Srisailam Devasthanam,
   Srisailam, Kurnool District.
2 Audit Officer, Local Funds, Kurnool, Kurnool District.

3 Two C.Cs. to the Government Pleader for Finance and Planning, High Court Buildings, Hyderabad (OUT)

4 Two C.D. copies